

MAR 24 2008

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

MOLLY DWYER, ACTING CLERK
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

ANAYELIY GALVAN,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney
General,

Respondent.

No. 07-70377

Agency No. A95-177-080

MEMORANDUM^{*}

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted March 18, 2008^{**}

Before: CANBY, T.G. NELSON, and BEA, Circuit Judges.

Anayeliy Galvan, a native and citizen of Mexico, petitions pro se for review of the Board of Immigration Appeals' ("BIA") order summarily affirming an immigration judge's ("IJ") decision denying her application for cancellation of

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

07-70377

removal. We have jurisdiction pursuant to 8 U.S.C. § 1252. We review de novo questions of law, *Rosales-Rosales v. Ashcroft*, 347 F.3d 714, 717 (9th Cir. 2003), and we grant the petition for review.

The agency erred as a matter of law in basing its moral character determination on two 1995 convictions. Because the IJ issued his decision in 2004, and because the final agency decision was issued in 2006 when the BIA summarily affirmed, the 1995 convictions were not relevant to Galvan's moral character. *See Matter of Ortega-Cabrera*, 23 I. & N. Dec. 793, 797-98 (BIA 2005) (“[C]ommission of a disqualifying act beyond the 10-year period looking backward from the date of the final administrative decision will not render an alien ineligible for relief on grounds of moral character.”). Accordingly, we remand for further proceedings. *See generally INS v. Ventura*, 537 U.S. 12 (2002) (per curiam).

PETITION FOR REVIEW GRANTED; REMANDED.